

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

UNDERSTEIN

Atty. Ref.: 2802-34 (AMK)

Serial No. 10/510,123

TC/A.U.: 3694

Filed: October 4, 2004

Examiner: S. Trotter

For: MULTI-DEPOSITORY FINANCIAL TRANSACTIONS

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April 22, 2010

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

In reply to the Examiner's Answer dated February 22, 2010, Appellant submits this Reply Brief under 37 C.F.R. §41.41.

In the "Response to Argument" section in the Examiner's Answer, the Examiner contends that "there is nothing in Dent precluding transfers between sub-accounts." Appellant submits, however, that even if this is an accurate statement, this premise is not a proper standard to support an obviousness conclusion. Mere "capability," particularly in the context of a method claim (and/or a system claim where a processor performs specified steps, and/or a system claim defining means-plus-function under 35 U.S.C. §112, sixth paragraph), does not amount to a teaching of a specific feature defined in the

claims. Indeed, the only reason to make such a modification is to reject the present claims, which amounts to improper hindsight.

The Office Action refers to paragraph [0040] in Dent, referencing financial institutions 108(a) . . . (n). As noted previously, however, the financial service center in Dent requires that the transaction participants provide access to independent accounts.

With regard to claim 6, the conclusions in the Examiner's Answer require the adoption of a definition of the term "hold" that is inconsistent with use of the term as defined in the present specification. Funds that are held in a transferor's deposit sub-account are made unavailable to the transferor. Prior to selecting the authorization button in Dent, the funds are not "held" but rather are available in the manner of funds simply deposited in an account until they are withdrawn. This feature of the invention is thus distinguishable from the "authorization button" disclosed in the Dent publication.

For at least these reasons and the reasons discussed in the Appeal Brief, reversal of the rejections is respectfully requested.

Respectfully submitted,

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